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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

BRIAN RALPH CANTUA,

Defendant and Appellant.

A140605

(Sonoma County  
Super. Ct. No. SCR544237)

Brian Ralph Cantua appeals from a judgment and the imposition of a suspended sentence following his violation of the terms of his probation. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. We conclude there are no issues requiring further review and affirm.

**BACKGROUND**

In November 2008 Cantua entered guilty pleas to five counts of auto theft as specified in Vehicle Code section 10851, subdivision (a), one count of vandalism as specified in Penal Code section 594, subdivision (a) and one count of resisting an executive officer with force in violation of Penal Code section 69. He admitted enhancements for each theft offense under Penal Code section 666.5 for his prior vehicle thefts and admitted he served two prior terms in state prison as described in Penal Code section 667.5. Pursuant to the negotiated disposition, the court placed Cantua on probation for five years with conditions including Cantua's placement and participation

in a residential treatment facility. He was sentenced to state prison for 11 years and four months with the execution of his sentence suspended.

Cantua's probation was summarily revoked in February 2009 for his failure to complete the residential treatment program and absconding. Cantua was arrested in March 2009, and following a contested hearing the court found Cantua in violation of his probation as alleged. His probation was revoked and Cantua was sentenced to state prison for 11 years four months. Restitution fines were imposed and he was awarded 495 days of presentence credit.

### **DISCUSSION**

Based upon our review of the record, we have no reason to question the sufficiency of the court's advisements, Cantua's waivers or the explanation of the consequences of his plea. His plea appears to be free, knowing and voluntary. We have no reason to question the plea. Cantua's motion to withdraw his plea was untimely. Probation was properly revoked, and he was sentenced in accordance with his plea. Equal protection of the law did not require that Cantua be awarded retroactive credits pursuant to Penal Code section 4019. (*People v. Brown* (2012) 54 Cal.4th 314, 329.)

Cantua's counsel has represented that he advised Cantua of his intention to file a *Wende* brief in this case and of Cantua's right to submit supplemental written argument on his own behalf. He has not done so. Cantua has also been advised of his right to request that counsel be relieved.

There was no error. Our full review of the record reveals no issue that requires further briefing.

## **DISPOSITION**

The judgment is affirmed.

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Siggins, J.

We concur:

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Pollak, Acting P.J.

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Jenkins, J.